

REMARKS

The office action has rejected pending claims 1-30 and 40-43. Independent claims 1 and 26 stand rejected under 35 USC 102(e) over Elwalid (U.S. Pat. 6,353,616). Dependent claims 2-3, 25, and 43 are rejected over Elwalid under 102(e) and dependent claims 4-5, 9-10, and 22-23 are rejected over Elwalid under 103(a). The remaining dependent claims are rejected under 103(a) over Elwalid in view of one or more of Lyles (EP Pat. 0774848), Carter (WO 99 13634), and Packer (U.S. Pat. 6,646,980).

Claim 1 has been amended to require "selecting processing from a group consisting of at least two of session bandwidth packet processing, rate shaping packet processing, admission control packet processing, and type of service (TOS) packet processing." None of the cited references taken alone or in combination discloses or suggests selecting the processing from a group of two or more of the recited members.

New claim 44, which depends on claim 1, requires that the group consist of all four of the recited members. Claim 44 is allowable for at least the reasons that claim 1 is allowable. Furthermore, none of the cited references taken alone or in combination discloses or suggests selecting the processing from a group of the four recited members.

Pending dependent claim 24 requires "processing [the classified packets in a processing system] comprises session bandwidth packet processing; rate shaping packet processing; admission control packet processing; and type of service (TOS) packet processing." In the rejection of claim 24 over Elwalid, the office action states "it would have been obvious ... to include the above limitations in order to manage a system effectively and efficiently." (Office action, page 10). The applicant disagrees that including all these types of processing would have been obvious. Pending claims 11, 9, 14, and 22 recite individually "session bandwidth packet processing," "rate shaping packet processing," "admission control packet processing," and "type of service (TOS) packet processing," respectively. The office action relies on Lyles to provide the "session bandwidth management" of claim 11; relies on Carter to provide the "admission control" of claim 14; and states that it would have been obvious in view of Elwalid alone to include the "rate shaping" and "TOS packet process" of claims 9 and 22, respectively. The

office action has not identified any specific teaching in the cited references in support of combination of references. The applicant does not agree that there is any suggestion to combine the references. Moreover, none of the cited references includes any suggestion of using a selection from multiple type of processing.

Furthermore, Lyles and Elwalid deal with two completely different technologies: Lyles deals with a head end controller for cable modems where the bandwidth is allocated based on a request from the network access unit, Elwalid deals with processing in a routed network, while Lyles deals with time slot allocation in a HFC network. These two networks are fundamentally different, the problems solved, and the techniques used by Elwalid and Lyles are therefore different. Hence it would be impossible to include the bandwidth allocation unit of Lyles into the Elwalid device.

Independent claim 26 has been amended to require that "the processing engine comprises at least two of a session bandwidth engine, a rate-shaping engine, an admission control engine, and a type of service (TOS) processing engine." Claim 27, which depends on claim 26, requires that the processing engine include all four of the recited elements. With regard to claim 27, as with claim 14, the office action states "it would have been obvious ... to include the above limitations in order to manage a system effectively and efficiently." (Office action, page 10). None of the cited references include a processing engine with even two of the recited elements of the processing engine as required by amended claim 26. The office action is using impermissible hindsight to support its position that the recited combinations would have been obvious.

The dependent claims are allowable for at least the reasons presented above for the independent claims upon which they respectively depend.

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Please apply \$510.00 for the Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050, referencing docket no. 09150-009001.

Respectfully submitted,

Date: Dec. 17, 2001

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Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Fig. 5 and replace the original sheets including Fig. 5.

In Figure 5, reference numerals 106 and 108 have been added to be consistent with the specification at page 9, lines 20-26.

Attachments following last page of this Amendment:

Replacement Sheets (5 pages)
Annotated Sheet Showing Change(s) (1 page)

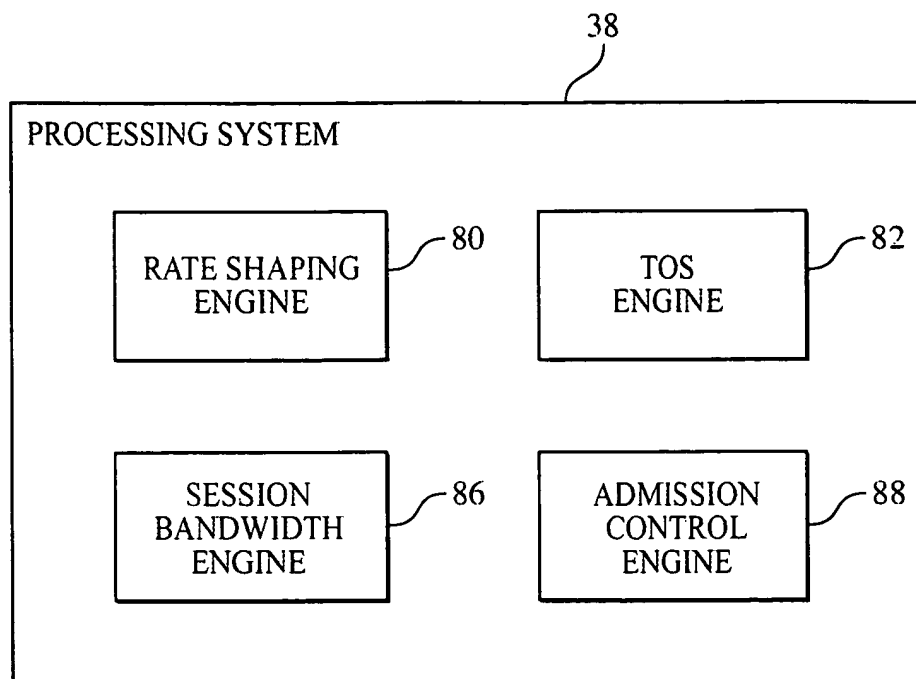


FIG. 4

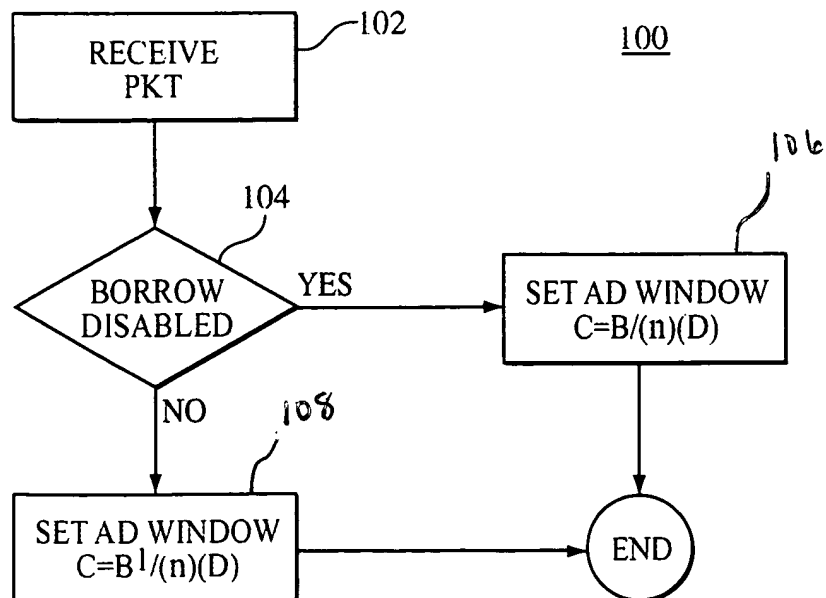


FIG. 5